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Security Council

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Letter dated 26 June 2012 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

In connection with my letter dated 21 June 2012 addressed to you, by which I submitted the interim report of the Group of Experts on the Democratic Republic of the Congo and requested its issuance as a document of the Council (S/2012/348), I have the honour to submit herewith the addendum to the Group's interim report (see annex).

(*Signed*) Agshin **Mehdiyev**
Chair

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Annex

Addendum to the interim report of the Group of Experts on the Democratic Republic of the Congo (S/2012/348) concerning violations of the arms embargo and sanctions regime by the Government of Rwanda

I. Introduction

1. Pursuant to its oral briefing to the Sanctions Committee on 13 June 2012 and in fulfilment of its commitment to provide timely information on arms embargo and sanctions violations to the Committee, the Group of Experts on the Democratic Republic of the Congo submits the present addendum to its interim report (S/2012/348).[1]

2. Since the outset of its current mandate, the Group has gathered evidence of arms embargo and sanctions regime violations committed by the Rwandan Government. These violations consist of the provision of material and financial support to armed groups operating in the eastern Democratic Republic of the Congo, including the recently established M23, in contravention of paragraph 1 of Security Council resolution 1807 (2008).[2] The arms embargo and sanctions regimes violations include the following:

- Direct assistance in the creation of M23 through the transport of weapons and soldiers through Rwandan territory
- Recruitment of Rwandan youth and demobilized ex-combatants as well as Congolese refugees for M23
- Provision of weapons and ammunition to M23
- Mobilization and lobbying of Congolese political and financial leaders for the benefit of M23
- Direct Rwandan Defence Forces (RDF) interventions into Congolese territory to reinforce M23
- Support to several other armed groups as well as Forces armées de la République démocratique du Congo (FARDC) mutinies in the eastern Congo
- Violation of the assets freeze and travel ban through supporting sanctioned individuals.[3]

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[1] The Group submitted its interim report to the Sanctions Committee on 18 May 2012, which in turn transmitted it to the Security Council on 21 June 2012.

[2] In paragraph 1 of its resolution 1807 (2008) the Security Council decided that "all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo;".

[3] See official list of designated individuals and entities for Sanctions Committee 1533 (2004) available from www.un.org/sc/committees/1533/pdf/1533_list.pdf.

3. Over the course of its investigation since late 2011, the Group has found substantial evidence attesting to support from Rwandan officials to armed groups operating in the eastern Democratic Republic of the Congo. Initially the RDF appeared to establish these alliances to facilitate a wave of targeted assassinations against key officers of the Forces démocratique pour la libération du Rwanda (FDLR) thus significantly weakening the rebel movement (see S/2012/348, paras. 37 and 38). However, these activities quickly extended to support for a series of post-electoral mutinies within the FARDC and eventually included the direct facilitation, through the use of Rwandan territory, of the creation of the M23 rebellion. The latter is comprised of ex-CNDP officers integrated into the Congolese army (FARDC) in January 2009. Since M23 established itself in strategic positions along the Rwandan border in May 2012, the Group has gathered overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the rebels through providing weapons, military supplies, and new recruits.

4. In turn, M23 continues to solidify alliances with many other armed groups and mutineer movements, including those previously benefiting from RDF support. This has created enormous security challenges, extending from Ituri district in the north to Fizi territory in the south, for the already overstretched Congolese army (FARDC). Through such arms embargo violations, Rwandan officials have also been in contravention of the sanctions regime's travel ban and assets freeze measures, by including three designated individuals among their direct allies.

5. In an attempt to solve the crisis which this Rwandan support to armed groups had exacerbated, the Governments of the Democratic Republic of the Congo and Rwanda have held a series of high-level bilateral meetings since early in April 2012. During these discussions, Rwandan officials have insisted on impunity for their armed group and mutineer allies, including ex-CNDP General Bosco Ntaganda, and the deployment of additional RDF units to the Kivus to conduct large-scale joint operations against the FDLR. The latter request has been repeatedly made despite the fact that: (a) the RDF halted its unilateral initiatives to weaken the FDLR in late-February;[4] (b) RDF Special Forces have already been deployed officially in Rutshuru territory for over a year; (c) RDF operational units are periodically reinforcing the M23 on the battlefield against the Congolese army; (d) M23 is directly and indirectly allied with several FDLR splinter groups; and (e) the RDF is remobilizing previously repatriated FDLR to boost the ranks of M23.

Elevated standards of evidence

6. In the light of the serious nature of these findings, the Group has adopted elevated methodological standards. Since early in April 2012, the Group has interviewed over 80 deserters of FARDC mutinies and Congolese armed groups, including from M23. Among the latter, the Group has interviewed 31 Rwandan nationals. Furthermore, the Group has also photographed weapons and military equipment found in arms caches and on the battlefield, and has obtained official documents and intercepts of radio communications. The Group has also consulted dozens of senior Congolese military commanders and intelligence officials as well as political and community leaders with intricate knowledge of developments between the Democratic Republic of the Congo and Rwanda. Moreover, the Group

[4] The last FDLR officer to be assassinated was Captain Theophile, the S3 of the Military Police Battalion, in late-February 2012.

has communicated regularly with several active participants of the ex-CNDP mutiny, the M23 rebellion, and other armed groups. Finally, while the Group's standard methodology requires a minimum of three sources, assessed to be credible and independent of one another, it has raised this to five sources when naming specific individuals involved in these cases of arms embargo and sanctions regime violations.

II. Rwandan support to M23

7. Since the earliest stages of its inception, the Group documented a systematic pattern of military and political support provided to the M23 rebellion by Rwandan authorities. Upon taking control over the strategic position of Runyoni, along the Rwandan border with the Democratic Republic of the Congo, M23 officers opened two supply routes going from Runyoni to Kinigi or Njerima in Rwanda, which RDF officers used to deliver such support as troops, recruits and weapons. The Group also found evidence that Rwandan officials mobilized ex-CNDP cadres and officers, North Kivu politicians, business leaders and youth in support of M23.

A. Direct assistance in the creation of M23 through Rwandan territory

8. Colonel Sultani Makenga deserted the FARDC in order to create the M23 rebellion using Rwandan territory and benefiting directly from RDF facilitation (see S/2012/348, para. 104). On 4 May, Makenga crossed the border from Goma into Gisenyi, Rwanda, and waited for his soldiers to join him from Goma and Bukavu. Intelligence sources, M23 collaborators and local politicians confirmed for the Group that RDF Western Division commander, General Emmanuel Ruvusha, welcomed Makenga upon his arrival to Gisenyi. The same sources indicated that Ruvusha subsequently held a series of coordination meetings with other RDF officers in Gisenyi and Ruhengeri over the following days with Makenga.

9. According to ex-CNDP and FARDC officers, also on 4 May, Col. Kazarama, Col. Munyakazi and Col. Masozera, and an estimated 30 of Makenga's loyal troops departed from Goma crossing into Rwanda through fields close to the Kanyamuyagha border. Several FARDC officers, civilian border officials, and intelligence officers stationed at Kanyamuyagha confirmed that they saw clear boot tracks of Makenga's troops crossing the border into Rwanda only a few metres away from an RDF position on the Rwandan side. These same sources also recovered several FARDC uniforms discarded by the deserters at that location the same night.

10. A second group of Makenga's loyal troops deserted the FARDC ranks in Bukavu, also via Rwanda. Three former M23 combatants who took part in the operation told the Group that ahead of his desertion, Makenga had gathered about 60 troops under the command of Maj. Imani Nzenze, his secretary, as well as Col. Seraphin Mirindi and Col. Jimmy Nzamuyein at his residence by Lake Kivu in the Nguba neighbourhood of Bukavu (see image 1). At 2030 hours on 4 May, the two large motorized boats transported the 60 troops and several tons of ammunitions and weapons 200 metres across the lake to the Rwandan town of Cyangugu (see S/2012/348, para. 118). The same sources indicated that upon arrival to Rwanda, the boats were sent back once again to Makenga's residence to recover the remainder of the weapons and ammunition (see image 2). According to one of the M23

combatants who later deserted the movement, and Congolese intelligence services, the evacuated weapons included such heavy weapons as Katyusha rocket launchers, RPG 7, and 14.5 mm machine guns, some of which were brought from Makenga's weapons caches at Nyamunyoni (see S/2012/348, para. 118).

Image 1

Colonel Makenga's home and private dock on Lake Kivu in Bukavu

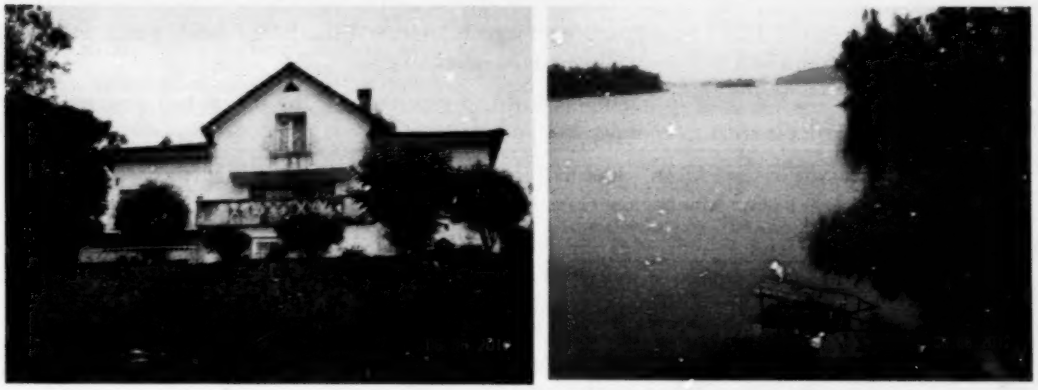
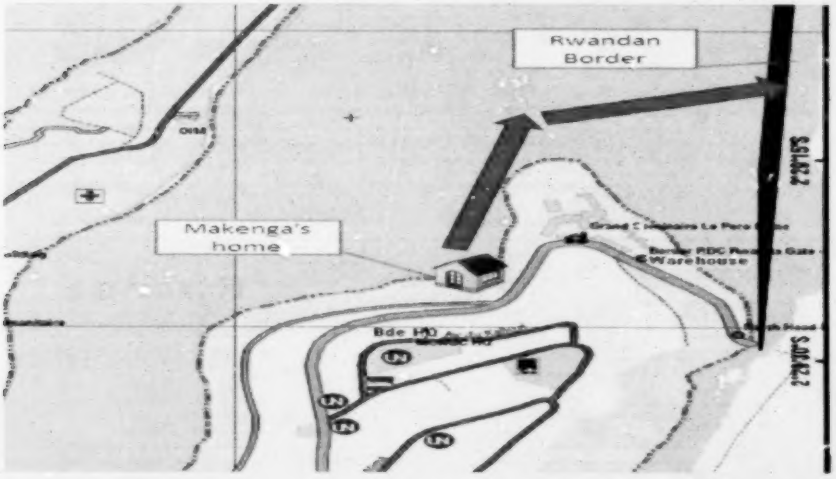


Image 2

Map of the transport of weapons and troops from Col. Makenga's home on 4 May 2012



11. The three former M23 combatants who participated in the operation also told the Group that upon arrival in Cyangugu, RDF and Rwandan police brought them to a military camp. The RDF subsequently provided them with full Rwandan army uniforms to be worn while travelling within Rwanda. The troops and the military equipment were afterwards loaded onto three RDF trucks, and transported via the towns of Kamembe, Gikongoro, Butare, Ngororero, Nkamira and brought to the RDF position at Kabuhanga. This military position is situated on the Democratic

Republic of the Congo-Rwanda border, near the village of Gasizi in Rwanda (roughly 27 km north of Goma). This ex-combatant testimony was corroborated by several sources interviewed by the Group, who all attested to the movement of troops from Rwanda into the DRC:

(a) Four local leaders interviewed separately in Kibumba personally witnessed Rwandan soldiers offloading equipment and soldiers from RDF trucks and jeeps at Gasizi on those same dates;

(b) Two Congolese border agents observed the RDF trucks which brought the troops and military equipment to Gasizi;

(c) A civilian intelligence officer reported that the troops had been brought to Gasizi in trucks;

(d) An FARDC internal intelligence report states that the troops were brought to join Makenga at Gasizi (see annex 1).

12. Several former M23 combatants also told the Group that General Ruvusha accompanied Makenga to meet with his troops in the RDF base at Kabuhanga (see image 3). RDF commanders ordered the Congolese soldiers to once again put on their FARDC uniforms and provided them with plastic sheets, food, soap and kitchen utensils. RDF officers also instructed the soldiers to remove any signs identifying Rwanda, such as labels on uniforms and water bottles.

Image 3
M23 travel through Rwanda facilitated by the RDF

13. That night, RDF officers ordered the FARDC deserters to offload and transport the weapons brought from Bukavu through the Virunga National Park, to Gasizi on

the Democratic Republic of the Congo side,[5] between Karisimbi and Mikeno volcanoes. On 8 May, these soldiers joined up with the mutineers who came from Masisi territory to the assembly point at Gasizi. Military and police officers, as well as local authorities from Kibumba reported on the arrival of the mutineers from Masisi near the border, and the movement of Makenga's troops from Rwanda into the Democratic Republic of the Congo. A local authority gathered reports from Rwandan civilians who had been forced to carry the weapons from Gasizi, in Rwanda, to the Democratic Republic of the Congo border. After Ntaganda's and Makenga's groups merged, they advanced further through the park and took control of Runyoni on 10 May to officially launch military operations of the M23 rebellion (see S/2012/348, para. 104).[6]

B. RDF recruitment for M23

14. Once M23 established their positions near the Rwandan border at Runyoni,[7] the RDF began facilitating the arrival of new civilian recruits and demobilized former combatants of the FDLR to strengthen the ranks of the rebels.

Civilian new recruits

15. The Group interviewed 30 Rwandan nationals who had been recruited into M23 and managed to escape. Interviewed separately, each confirmed that they had been recruited in Rwanda. While some interacted with civilian "sensitizers", most stated that RDF officers directly participated in their recruitment process. M23 collaborators, ex-CNDP officers, politicians, ex-M23 combatants, and Congolese refugees in Rwanda, informed the Group that a wide network of mobilization had been established in the main Rwandan towns bordering the Democratic Republic of the Congo, as well as in refugee camps, targeting Rwandan nationals and Congolese refugees for recruitment. Recruitment focal points operating at Kinigi, Ruhengeri, Mudende, Gisenyi, Mukamira, and Bigogwe, are tasked with identifying and gathering young men for recruitment and handing them over to RDF soldiers. Two Congolese refugees, as well as a visitor of Nkamira refugee camp (situated 27 km from Gisenyi in Rwanda) told the Group that there had been a systematic campaign in the camp to encourage young men to join M23.

16. Former M23 combatants from Rwanda stated that the main transit point for recruitment is the RDF position at Kinigi, where recruits are regrouped and sent to the Democratic Republic of the Congo (see image 4). This pattern has also been independently confirmed by Congolese intelligence services and a former RDF officer. According to some of the recruits, they often receive a meal in Hotel Bishokoro, which belongs to General Bosco Ntaganda and his brother at Kinigi. Afterwards, RDF soldiers escort large groups of new recruits to the border and send them into the Democratic Republic of the Congo.

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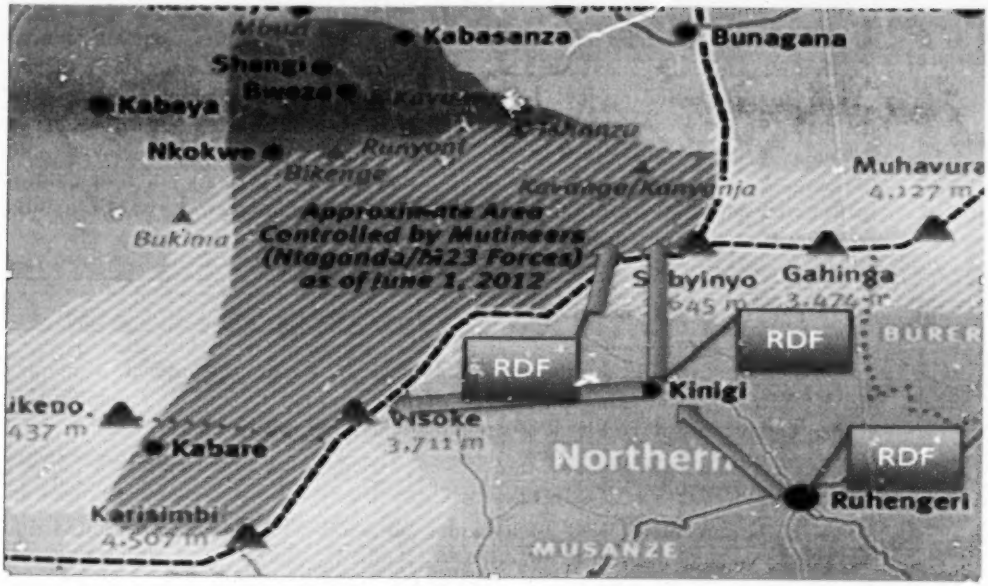
[5] The corresponding village along the border in the Democratic Republic of the Congo is also called Gasizi.

[6] CNDP issued an official communiqué announcing the creation of M23 on 6 May 2012, just after the desertion of Colonel Makenga.

[7] CNDP held a stronghold in Runyoni in 2008. See S/2008/773, para. 64 (b).

Image 4
RDF recruitment and supply routes for M23



17. According to FARDC officers, Congolese intelligence and civilian sources in Kibumba, a second point of entry for recruits from Rwanda to join M23 is the town of Njerima,[8] located on the Rwanda-Democratic Republic of the Congo border south-west of Kinigi (see annex 2). Local traders who sell their goods at Njerima told the Group that during the last week of May, M23 recruits passing through the village included refugees from Masisi, as well as Rwandan nationals. Recruits arrive by bus at Ruatano at about a kilometre from Njerima. From Njerima, walking paths lead to Kabare in the Democratic Republic of the Congo, which is located within the Democratic Republic of the Congo Virunga National Park, in between the volcanoes Mikeno and Karisimbi. According to park authorities, Kabare is a natural clearing in the forest where a rebel presence has been observed since the last week of May 2012.

18. The Group has not been able to establish the total numbers of recruits, as upon arrival to Runyoni they are immediately deployed among the various M23 positions situated on seven distinct hills.[9] According to Rwandan former M23 combatants, groups that depart from Kinigi, are composed of 30 to 45 recruits at a time. All recently recruited former combatants observed other civilian recruits from Rwanda upon arrival to Runyoni and saw new recruits arriving from Rwanda every second day. One M23 deserter deployed at Ntaganda's position counted 130 to 140 recruits from Rwanda when he arrived, while another from Chanzu counted about 70 recruits from Rwanda. For their part, two ex-M23 combatants from Kavumu saw 60 recruits.

[8] In 2008 Njerima also served as an entry point for infiltrations from Rwanda into the Democratic Republic of the Congo. See S/2008/773, enclosure, para. 64 (b).

[9] At Runyoni, the mutineers established positions on Runyoni, Chanzu, Kanyanja, Jomba, Kavumu, Mbuzi, or Bugina hills.

19. All ex-M23 combatants confirmed that there were children under the age of 18 among the waves of recruits. The Group interviewed two 15-year-old boys who had escaped from M23. While one ex-combatant reported that he saw 28 children at Ntaganda's position, another witnessed at least 20 minors at M23's position at Chanzu. As for most of the M23 recruits, these children are given a weapon and undergo very rudimentary training before immediately being sent to the battlefield.

Demobilized ex-FDLR

20. The RDF has also deployed demobilized former FDLR combatants to reinforce M23. According to several former senior FDLR officers, all former combatants of Rwandan armed groups, upon completion of the Rwandan Demobilization and Reintegration Commission's programme, are automatically enrolled in the RDF Reserve Force, commanded by General Fred Ibingira. As members of the Reserve Force, they can be ordered to deploy on behalf of the RDF on short notice. Former RDF officers and politicians and M23 collaborators indicated that ex-FDLR combatants from within the RDF Reserve Force have been remobilized and deployed to Runyoni alongside M23. Active FDLR officers in the Democratic Republic of the Congo also confirmed this remobilization of previously repatriated FDLR combatants. According to Rwandan former M23 combatants who escaped from Runyoni, small groups of former demobilized combatants arrive every day and are dispatched between the various M23 positions.[10]

21. The Group interviewed two former FDLR, who had previously been demobilized in Rwanda and were sent to Runyoni in May 2012. Both belonged to the Reserve Force. One was deployed after being called by RDF officers, while the other was invited to join a meeting with other demobilized soldiers when he was instructed to depart for military service. Both were taken to the military base at Kinigi, where they received weapons and ammunition, and were escorted to Runyoni in the same way as the civilian recruits. Both testified that they had been sent to Runyoni in a group with 70 other people, among whom 31 were demobilized soldiers. Upon arrival, they saw 11 other demobilized soldiers at Chanzu (see S/2012/348, para. 123).

C. RDF logistical support to M23

22. The RDF has been providing military equipment, weapons, ammunition, and general supplies to M23 rebels. FARDC and ex-CNDP officers and all ex-M23 combatants interviewed by the Group reported that RDF officers have been backstopping the logistics of the rebel movement from the military bases at Kinigi and Njerima. Through the supply routes going from Rwanda to Runyoni, M23 have received not only large numbers of weapons and ammunition, but also food, tents, fuel, oil, plastic sheets, and medicines. Ex-combatants also attest to the fact that some RDF uniforms are also provided to M23. The Group photographed one M23 deserter with RDF boots and camouflage pants (see image 5). According to three ex-M23 combatants, RDF troops have also assisted with the evacuation of injured soldiers. Once brought to the border, they are sent to hospitals and health clinics in Ruhengeri. Furthermore, ex-CNDP officers, ex-RDF officers, and senior FARDC commanders told the Group that nearly all M23 officers have evacuated their families and possessions to Rwanda.

[10] These ex-FDLR combatants remobilized from Rwanda should not be confused with the FDLR splinter group "Mandevu", which is also fighting alongside M23. See paras. 100-102 of the interim report.

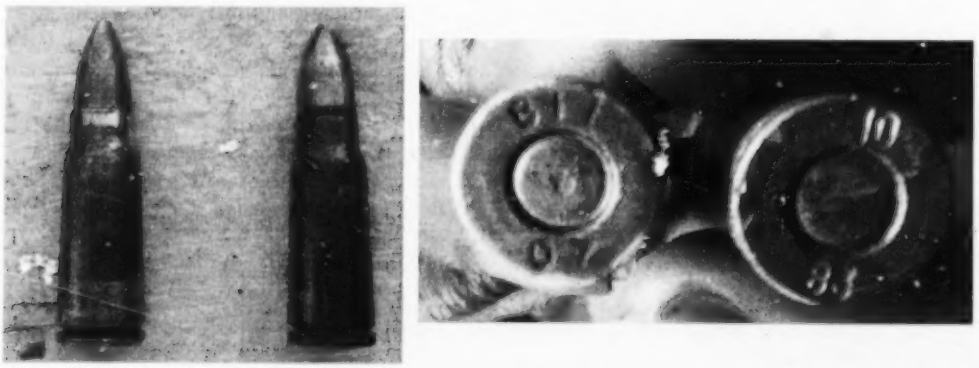
Image 5

Ex-M23 soldier who deserted with RDF uniform

23. All 30 ex-M23 combatants from Rwanda interviewed by the Group stated that the RDF forced them to carry one box of ammunition and one weapon each when crossing into the Democratic Republic of the Congo. Near the Democratic Republic of the Congo border crossing with the Rwandan village of Gasizi, the Group obtained a box of ammunition, which FARDC officers and ex-M23 combatants attested had been provided by the RDF and was destined for the M23. The metal casing included 7.62 mm tracer ammunition for AK-47 rifles, which were painted with a green tip, in contrast to FARDC ammunition (see image 6). One displaced villager from Runyoni, interviewed by the Group in Bunagana, stated that M23 rebels forced him to carry the same ammunition boxes from Chanzu to Runyoni. Current RDF officers confirmed for the Group that this type of ammunition did indeed belong to the RDF.

Image 6

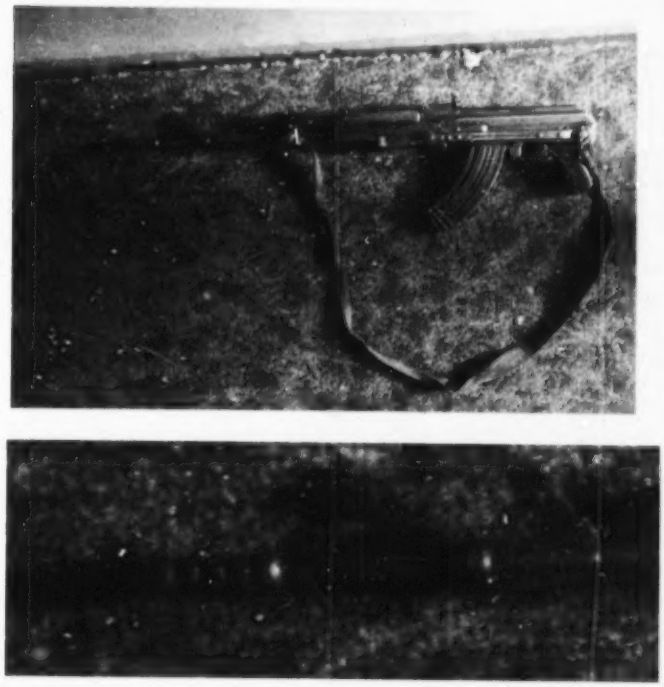
7.62 mm tracer rounds provided by the RDF to the M23 (on right) compared with FARDC ammunition (on left)



24. Furthermore, the Group photographed anti-tank rounds recovered from the battlefield near Kibumba (see annex 3). Col. Makenga's arms cache at Nyamunyoni contained over 300 75 mm anti-tank cannon rounds (see S/2012/348, para. 118 and annex 4). According to several Congolese senior commanders and logistics officers, neither the anti-tank rounds found on the battlefield above nor those from Makenga's cache have ever been distributed by the FARDC.

25. Ex-M23 combatants have also surrendered with AK-47 rifles that are distinct from those used by the FARDC. The Group photographed one such rifle, which has a larger barrel muzzle than those used by the FARDC (see image 7).

Image 7
AK-47 rifle surrendered by ex-M23 soldier



D. Rwandan officials mobilizing support to M23

26. Senior Rwandan officials have also been directly involved in the mobilization of political leaders and financial backers for M23. Based on interviews conducted with M23 members, ex-CNDP officers and politicians, intelligence officers, FARDC senior commanders, the Group established that Rwandan officials have made extensive telephone calls and organized a series of meetings with Congolese politicians and businessmen to promote and rally support for M23.

Telephone communications

27. Since May, Rwandan authorities have undertaken wide-ranging efforts to convince ex-CNDP officers and former CNDP and Rassemblement congolais pour la

démocratie (RCD) politicians to join M23. Several politicians told the Group that senior Rwandan Government officials had directly contacted them. One politician and one ex-CNDP officer acknowledged to the Group that RDF Capt. Celestin Senkoko,[11] the personal assistant of Rwandan Minister of Defence Gen. James Kabarebe,[12] had called on several occasions to convince them to become a part of M23. Another politician told the Group that Senkoko and Jack Nziza, Permanent Secretary of the Ministry of Defence, called and threatened him after he refused to join M23. Still another politician interviewed by the Group was contacted by Kabarebe, Senkoko, and Nziza, all three requesting him to mobilize support for M23. According to three other politicians, Charles Kayonga, RDF General Chief of Staff, has called politicians and invited them for a meeting about M23 in Kigali. Former CNDP Gen. Laurent Nkunda, has also been a key mobilizer of M23 and has been calling ex-CNDP officers to convince them to join the new rebellion (see S/2012/348, para. 107).

RDF-convened meetings

28. According to intelligence sources, politicians, and M23 collaborators, on 23 May 2012, Senkoko organized a meeting, with the participation of RDF officers and 32 community leaders, mostly CNDP cadres, in Gisenyi at the residence of CNDP member Gafishi Ngoboka. Senkoko introduced himself as the representative of Kabarebe and conveyed the message that the Rwandan Government supports M23, whose new war was to obtain a secession of both Kivus. After showing the territory to be liberated on a map, he instructed politicians to convince all Rwandophone army officers operating in the Kivus to join M23 and stressed the need for M23 to gain more popular support and begin collecting funds. According to intelligence sources, politicians, and M23 collaborators, Nziza came to Gisenyi and Ruhengeri at the same period, to supervise both military and mobilization activities related to M23.

29. Another similar M23 meeting with Rwandan authorities took place on 26 May 2012 in Ruhengeri, Rwanda, at Hotel Ishema. According to intelligence sources and to politicians with close ties to Kigali, the RDF organized the meeting for CNDP politicians, which was chaired by Bishops John Rucyahana[13] and Coline, both senior RPF[14] party leaders. The aim of the meeting was to convey the message that the Rwandan Government supports M23 politically and militarily. All Rwandophone politicians and officers were instructed to join M23, or otherwise leave the Kivus. In particular, CNDP politicians have been asked to resign from the North Kivu

[11] Capt. Celestin Senkoko, a native from Goma, has previously worked for Gen. Jacques Nziza, and currently works as the personal assistant for the Rwandan Minister of Defence, James Kabarebe. For years, he has been executing specific aspects related to Rwandan foreign policy in the Democratic Republic of the Congo. In particular, he played an instrumental role in the distribution of weapons by Tous pour la Paix et le Développement (TPD) designated for targeted sanctions by the Committee for these same acts on 1 November 2005 (www.un.org/News/Press/docs/2005/sc8546.doc.htm).

[12] James Kabarebe, formerly the Rwandan Chief of Staff, has traditionally been in charge of the "Congo file" within the Rwandan Government.

[13] John Rucyahana has been the head of the Anglican Church at Ruhengeri, president of the Bagogwe community from Rwanda, and President of the Rwandan National Unity and Reconciliation Commission.

[14] The Rwandan Patriotic Front (RPF) is the ruling party of President Paul Kagame.

Governorate and to withdraw from the Presidential Majority.[15] Following the decision taken during the meeting at Ruhengeri, CNDP Minister of Justice François Rucogoza resigned from the Governorate in North Kivu on 2 June (see image 8). After considerable pressure to declare CNDP's withdrawal from the Presidential Majority, Edouard Mwangachuchu, the head of the CNDP political party, refused to do so. CNDP politicians siding with M23 and acting from within Rwanda, made such a declaration nevertheless (see annex 5).

Image 8

Resignation letter of CNDP provincial ministry following instructions from the RDF in Ruhengeri meeting

Exp : TUYIHIMBAZE RUCOGOZA François
Ministre Provincial de la justice,
Droits humains et réinsertion communautaire

Goma, Le 02 juin 2012

A Son excellence Monsieur le Gouverneur
de la Province du Nord Kivu à Goma.

Concerne : Ma démission du Gouvernement Provincial.

Excellence Monsieur le Gouverneur,

J'ai l'insigne privilège de venir respectueusement auprès de votre haute autorité vous saisir au sujet de l'objet bien identifié en concerne.

En effet, le Bureau Politique de mon Parti, le Congres National pour la Défense du Peuple, CNDP en sigle, s'est réuni aujourd'hui le 02 juin 2012 en session extraordinaire et à l'issue de cette réunion il m'a été demandé de quitter le Gouvernement au motif que les Accords du 23 mars 2009 signés entre le Gouvernement Congolais et le CNDP n'ont pas été respectés.

En plus comme si cela ne suffisait pas, le Gouvernement a fait la sourde oreille à tous les appels à la paix lancés par mon Parti dans ses différents communiqués de presse et correspondances à son attention.

Dans l'espoir que mes raisons et motifs retiendront votre attention, je vous prie, Excellence Monsieur le Gouverneur, de bien vouloir agréer l'expression de mes sentiments patriotiques.

TUYIHIMBAZE RUCOGOZA François

Ministre Provincial de la justice,
Droits humains et réinsertion communautaire

[15] A participant to the Gisenyi and Ruhengeri meetings informed the Group that the conclusions of the meetings included the creation of various cells in Gisenyi, Masisi, Goma, and Ruhengeri, in charge of collecting financial contributions to purchase supplies for M23.

30. According to politicians, individuals closely associated to M23, and to Congolese intelligence services, on 2-3 June, and once again on 9-10 June, representatives of the business community from Goma, comprised mostly of owners of fuel stations represented by Desiré Rwabaenda and Dieudonné Komayombi, met Gen. Kabarebe in Kigali, to discuss mobilizing financial contributions to M23.

E. RDF units directly reinforcing M23 during operations in the Democratic Republic of the Congo

31. Former M23 combatants, FARDC officers, local authorities, intelligence services, and ex-RDF officers informed the Group that RDF units themselves have also been deployed to reinforce M23 for specific operations at Runyoni. The following sources have provided detailed accounts of such direct military involvement of the RDF:

(a) An RDF soldier, who surrendered on 14 June 2012 from Ntaganda's position in Runyoni, stated that his unit had been trained for two weeks in Kanombe military camp in Kigali, before being deployed in Runyoni already during the first week of March. Having previously fought as a CNDP soldier under Laurent Nkunda and as part of joint RDF FARDC Amani Leo operations, the soldier in question was recruited alongside several other Rwandan ex-CNDP soldiers by an RDF Captain at the beginning of February. The mission of his 80-men unit was to prepare the arrival of Ntaganda in Runyoni. On its way to Runyoni via Kinigi the unit was joined by an estimated 150 more RDF soldiers;

(b) FARDC officers informed the Group that they had captured a Rwandan soldier who had been working for Ntaganda while gathering information on the FARDC deployments at Kibumba at the end of April in preparation of the arrival of M23 (see image 9);

(c) An M23 officer who surrendered from Ntaganda's position at Runyoni stated that he witnessed how RDF troops supported M23 during their operations. He said that the RDF use the path going from Kinigi into Chanzu, or the path going through Njerima to Kanyanja, where Ntaganda's position is located. The same source reported that RDF troops have been deployed in the park not far from Kanyanja to assist the rebels during combat operations against the FARDC. He estimated that there were about 150 RDF troops deployed at Kanyanja;

(d) Another ex-M23 officer who surrendered from Ntaganda's position at Runyoni told the Group that he personally witnessed how one RDF battalion came to reinforce the mutineers after a FARDC helicopter bombarded their positions. The RDF unit passed through Ntaganda's base and went to support Zimurinda on Bugina hill;

(e) After deserting the M23 from his position at Mbuzi hill, another ex-M23 officer told the Group that he had witnessed RDF units coming to support the rebels on three occasions after FARDC advances;

(f) An officer who surrendered from the position at Runyoni reported that he had witnessed the arrival of four waves, each of about 100 RDF soldiers and 30 recruits;

Image 9

Extracts from FARDC internal intelligence file on an RDF soldier captured while conducting spy operations prior to the establishment of the M23 in Rutshuru

III. CIRCONSTANCES D'ARRESTATION

Arrêté le 29 Avril 12 à RUHUNDA/KIBUMBA quant il espionnait les positions FARDC.

IV. ELEMENTS RECUEILLIS SUR LUI

- Ils étaient 03 Mil et avaient reçus la mission auprès du Maj GASORE d'identifier les positions Mil FARDC. Leurs effectif et Armt dans deux axes différents : l'un dans l'axe KIBUMBA et ses environs tandisque les deux autres dans l'axe KITSHANGA.
- L'U est déployée à KANYANZA/RUANDA depuis 03 mois en provenance de NGUNGU au Congo, au service du Gen BOSCO NTAGANDA qui leurs paye 100 $ par an, toutefois il a signalé qu'il ne touche plus sa solde de RDF depuis qu'il est au service du Gen BOSCO NTAGANDA or qu'avant il touchait 20 000 Francs Rwandais (FRW). Aussi la relève se fait chaque 05 mois de NGUNGU/RDC pour le RWANDA.
- L'U est S/Comdt du Maj GASORE secondé par le Capt RUGERERO avec un Eff de 100 Mil doté de MAG : 03, Mor 60 mm : 04, LR : 03.
- Pour ce qui est de la source de Rav, ils être dotés par armée Rwandaise. Le Gen BOSCO NTAGANDA leurs avoir aussi doté des tenues FARDC. Autre source de Rav être suite Ops menées contre FDLR.

V. EVALUATION

- Il revient que l'armée Rwandaise a mis depuis très longtemps des hommes au profit du Gen BOSCO NTAGANDA pour des fins non définies.
- Il ressort de la compétence de la Hie d'examiner cette situation pour connaître mieux.
- La vérification de l'implantation de cette U au Rwanda peut être possible entre deux états afin d'éclairer les autorités sur cette situation.

(g) An ex-M23 soldier recruited in Rwanda reported that among the 40 RDF soldiers who accompanied the recruits up to the Democratic Republic of the Congo border, 20 continued marching and remained with Ntaganda at his position after changing into FARDC uniforms;

(h) An ex-RDF officer asserted that two RDF units have been deployed to Kinigi, and have specifically been tasked with periodically reinforcing the M23 in the Democratic Republic of the Congo;

(i) Radio communications between RDF and M23 intercepted by FARDC and shared with the Group demonstrate that an RDF officer acknowledges having received a visit of M23 officers on Rwandan territory, while an M23 officer states that they already had received 400 to 500 soldiers in reinforcement from the RDF and requests additional troops (see image 10);[16]

[16] This cassette will be placed on United Nations archives for future reference.

Image 10

Extract from M23 radio intercepts requesting external reinforcements

(j) Several displaced leaders from areas currently under the control of M23 told the Group that the rebels occupying their home villages have been joined by other soldiers identified as Rwandan because of their distinct military equipment, notably their green high boots, bright spotted uniforms, waterproof tents and packed food items;

(k) Two civilians from Chanzu interviewed by the Group in May saw Rwandan soldiers also crossing into the Democratic Republic of the Congo, initially wearing RDF military uniforms who subsequently changed into FARDC uniforms.

32. Since the beginning of 2011, two joint RDF and FARDC units have been deployed in Rutshuru territory to conduct operations against the FDLR.[17] Though these units have not taken part in hostilities alongside M23, FARDC officers told the Group that they feared such a scenario.

[17] See para. 116 of the Group's 2011 final report (S/2011/738).

F. Rwandan officials responsible for support to M23

33. Throughout the Group's investigations, it has systematically gathered testimonies from former M23 combatants, M23 collaborators, ex-RDF officers, Congolese intelligence, FARDC commanders, and politicians who affirm the direct involvement in the support to M23 from senior levels of the Rwandan Government.[18]

(a) General Jacques Nziza, the Permanent Secretary of the Ministry of Defence, supervises all military, financial, and logistic support as well as mobilization activities related to M23. He has recently been deployed to Ruhengeri and Gisenyi to coordinate M23 assistance and recruitment;

(b) General James Kabarebe, the Rwandan Minister of Defence, with the support of his personal secretary Captain Celestin Senkoko, also is a central figure in recruitment and mobilizing political and military support to M23. Kabarebe has often been in direct contact with M23 members on the ground to coordinate military activities;

(c) General Charles Kayonga, the RDF Chief of Staff, manages the overall military support to M23. Kayonga is frequently in communication with Makenga and oversaw the transfer of Makenga's troops and weapons through Rwanda;

(d) The military support on the ground has been channelled by General Emmanuel Ruvusha, RDF Division commander based in Gisenyi, as well as General Alexi Kagame, RDF Division commander based at Ruhengeri. Both facilitate recruitment of civilians and demobilized soldiers to M23 as well as coordinating RDF reinforcements in Runyoni with M23 commanders;

(e) Colonel Jomba Gakumba, a native of North Kivu who used to be an RDF instructor at the Rwandan Military Academy at Gako, was redeployed to Ruhengeri since the creation of M23, where he has been in charge of commanding locally military operations in support of M23.

34. Ex-RDF officers, politicians, M23 collaborators also informed the Group that Ntaganda and Makenga have been regularly crossing the border into Rwanda to carry out meetings with any of the above-mentioned senior RDF officers at Kinigi in order to coordinate operations and supplies. Two Rwandan nationals who surrendered from M23 witnessed such meetings between Makenga and senior RDF officers at Kinigi, on several occasions. Those same sources also stated that former CNDP chairman General Laurent Nkunda, officially under house arrest by the Rwandan Government since January 2009, often comes from Kigali to participate in these meetings.

III. Rwandan support to armed groups and mutinies linked to the M23

35. In addition to RDF support to M23, the Group has gathered evidence indicating that Rwandan officials have been supporting other armed groups and

[18] In accordance with paragraph 6 of the present report, the Group identified the individuals based upon the testimony of at least five separate credible and independent sources.

mutinies often using Ntaganda and other ex-CNDP commanders to foster such alliances. Acting through these armed groups, Rwandan officials managed to weaken the FDLR through a series of targeted killings of FDLR officers. M23 officers and armed group leaders have acknowledged these alliances with the common aim of destabilizing the central Government.

A. Nduma Defence of Congo

36. Rwandan officials have been in direct contact with Nduma Defence of Congo commander Sheka Ntabo Ntaberi, and supported him in organizing the targeted killing of FDLR Montana battalion commander "Lieutenant Colonel" Evariste Kanzeguhera alias "Sadiki" (see S/2012/348, paras. 37 and 61). According to intelligence officers, two former Nduma Defence of Congo combatants and close Nduma Defence of Congo collaborators, on 4 November 2011, Ntaberi travelled to Rwanda, with Ntaganda's facilitation. Upon arrival to Gisenyi, RDF officers entrusted him with the task of killing Kanzeguhera and gave him money for the operation. After having killed Kanzeguhera on 20 November 2011, Ntaberi surrendered to FARDC Sector commander Colonel Chuma Balumisa in Walikale. Balumisa informed the Group that he had received a direct call from Rwandan head of military intelligence at that time, General Richard Rutatina,[19] ordering Balumisa to ensure that Ntaberi boarded a plane sent by Ntaganda to Walikale to evacuate him to Rwanda (see S/2012/348, para. 62).[20] A Nduma Defence of Congo deserter in mid-April reported that during the ex-CNDP mutiny, Ntaberi received telephone calls from Ntaganda and senior Rwandan officials on a daily basis (see S/2012/348, para. 93 and annex 6). These communications were confirmed by a separate Nduma Defence of Congo collaborator. M23 members acknowledged to the Group that they are allied to Ntaberi and the Nduma Defence of Congo.

B. Forces pour la Défense du Congo

37. In early 2012, Rwandan officials tasked Forces pour la Défense du Congo (FDC) commanders to assassinate FDLR supreme commander "General" Sylvestre Mudacumura. To support them with this operation, Ntaganda provided FDC with weapons, ammunition, and several trained ex-CNDP officers. During the operation against the FDLR headquarters, carried out on 11 January 2012, FDC combatants successfully killed FDLR Chief of Staff Leodomir Mugaragu (see S/2012/348, para. 38). One former FDC officer who participated in the operation told the Group that the FDC received the support of four Rwandan commando officers deployed to strengthen the FDC for that occasion. Local authorities in both Masisi and Walikale as well as FDLR officers also confirmed the direct involvement of the RDF in this attack.

[19] In January 2012, along with three other senior RDF officers, General Rutatina was suspended from his duties and subsequently placed under house arrest as a result of accusations that he wa involved in unauthorized private business ventures in the Democratic Republic of the Congo.

[20] Colonel Balumisa was assassinated by Ntaberi during the CNDP mutiny in April 2012, on orders from Ntaganda, following his refusal to ally to the mutineers.

C. Local defence forces at Busumba

38. Erasto Ntibaturama, a close CNDP ally, is a local militia commander at Busumba in Masisi territory. His local defence forces, comprised of over 50 men, acted under the command of ex-CNDP Lt. Col. Gasheri Musanga in support of Col. Zimurinda's mutineers in northern Masisi. When the mutineers left Masisi, a part of Ntibaturama's militia followed the mutineers to Runyoni, including Ntibaturama's son and CNDP political candidate, Erasto Bahati, alongside with Musanga. According to ex-CNDP officers and politicians, Ntibaturama had then crossed the border into Rwanda where the RFP provided him with a residence in Gisenyi.

D. Coalition des groupes armés de l'Ituri

39. Rwandan support to armed groups is not limited to the Kivus. In Ituri District, the Group has confirmed attempts by the RDF to convince FARDC commanders to defect from the Congolese army and join the newly created Coalition des groupes armés de l'Ituri (COGAI) rebel movement. FARDC officers have stated to the Group that Gen. Kabarebe made a series of telephone calls with these instructions early in 2012. COGAI unites former militia members from different ethnic backgrounds under the leadership of FRPI commander ethnic Lendu Brig. Gen. Banaloki alias "Cobra Matata" (see S/2012/348, paras. 51 and 52). According to FARDC, intelligence sources and COGAI sympathizers, Banaloki has been approached by prominent members of the Hema community, seeking to create an alliance against Kinshasa following the conviction of Thomas Lubanga by the International Criminal Court.

40. The same sources along with a Lendu community leader also shared with the Group that a COGAI delegation travelled to Kigali between 27 May and 4 June 2012. COGAI representatives met with Gen. James Kabarebe, the Rwandan Minister of Defence. Upon the delegation's return to Ituri, it reported back to Banaloki and handed him $15,000 in cash it had received.

E. Union de congolais pour la défense de la démocratie

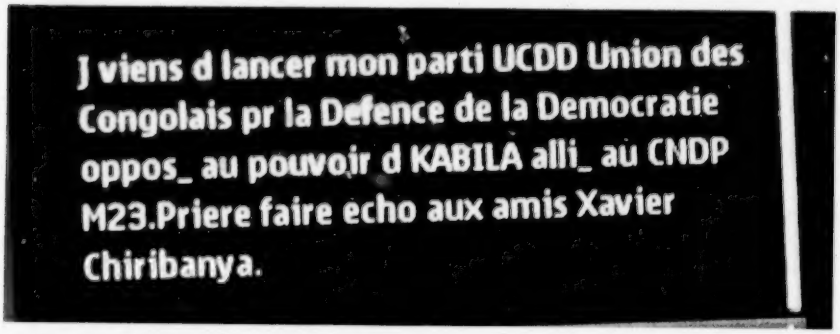
41. The Union de congolais pour la défense de la démocratie (UCDD) was established in the wake of the creation of M23 in order to compensate for Makenga's departure from South Kivu. The head of the UCDD, Xavier Chiribanya, is the former governor of South Kivu during RPF control over the Kivus and a long-standing secessionist.[21] According to Congolese intelligence sources and detained political leaders, Chiribanya has been living under the protection of the Rwandan Government since he fled from Bukavu in 2003. The same sources indicated that while in Gisenyi following his flight from Goma, Makenga met with Chiribanya to

[21] Chiribanya was condemned for his alleged involvement in the killing of former Democratic Republic of the Congo President Laurent Kabila. He is also one of the founding members of the Mudundu 40 armed group, which collaborated closely with the RDF during their deployments to the Democratic Republic of the Congo between 1998 and 2002. In 2003, Chiribanya launched a secessionist movement, whose aim was to break away Maniema, North Kivu, South Kivu provinces and Ituri district from the rest of the Democratic Republic of the Congo.

plan the creation of the UCDD. On 9 May 2012, Chiribanya diffused the news about the establishment of the UCDD by text message (see image 11).

Image 11

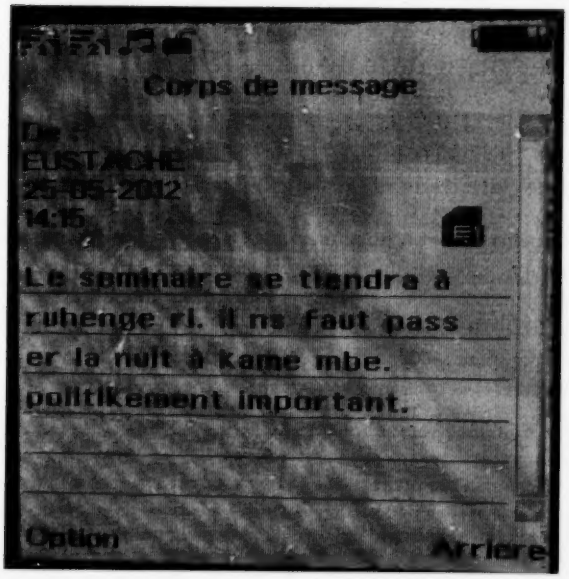
Text message circulated by Xavier Chiribanya on 9 May 2012 declaring his UCDD movement as an ally of M23


J viens d lancer mon parti UCDD Union des Congolais pr la Defence de la Democratie oppos_ au pouvoir d KABILA alli_ au CNDP M23.Priere faire echo aux amis Xavier Chiribanya.

42. Chiribanya subsequently held a series of meetings with armed group leaders during which he claimed full support from the Rwandan Government to pursue open rebellion against Kabila in order to obtain the secession of the eastern Congo. One former UCDD member stated that Chiribanya had told him in a meeting on 24 May in Bujumbura that Rwanda had more than 2,000 ex-FDLR combatants trained for their struggle. According to an official signed statement of a detained armed group leader, Chiribanya invited others to meetings in Rwanda "to harmonize their efforts with the Rwandan authorities". The Group obtained a text message from a UCDD member which confirmed such invitations (see image 12).

Image 12

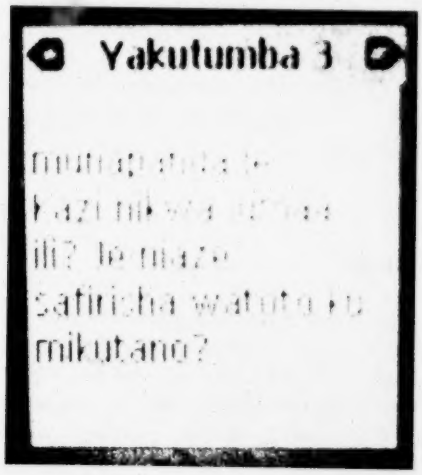
Text message of UCDD members about "politically important" meetings in Ruhengeri, Rwanda



43. Furthermore, according to Congolese intelligence, FARDC officers and a former UCDD member, Chiribanya has already provided weapons to multiple armed groups in Uvira territory as well as Mai Mai Yakutumba in Fizi territory.[22] The Group has obtained text messages of UCDD communications with the latter (see image 13). According to several FARDC officers and intelligence sources, Chiribanya has also established ties with units of Raia Mutomboki in South Kivu's Nindja forest and communicates frequently with FARDC deserter Col. Albert Kahasha of the Union des patriots congolais pour la paix (UPCP) in Southern Lubero (see S/2012/348, paras. 126 and 127). Kahasha's UPCP has facilitated the movement of ex-CNDP deserters seeking to join M23 in Rutshuru.[23]

Image 13

Text message from "General" William Amuri of Mai Mai Yakutumba in preparation of a meeting with UCDD members



F. Conseil supérieur de la paix

44. The Conseil supérieur de la paix (CONSUP) was created in December 2011 following the elections in order to foment unrest among disgruntled populations who questioned the credibility of the November vote (see S/2012/348, para. 128). Unsuccessful legislative candidates joined forces with senior commanders of former armed groups within the FARDC, notably the Federal Republican Forces (FRF) and the CNDP. In preparatory meetings at the FRF headquarters in Bukavu in the early weeks of January, ex-CNDP officers Lt. Col. Vianney Kazarama and Col. Seraphin Mirindi[24] represented Col. Makenga. During the same meeting, Kazarama named the future governors and political representatives for the eastern Congo. According

[22] M23 officers confirmed for the Group that they are indeed allied to Mai Mai Yakutumba.

[23] Ex-CNDP Lieutenant Colonel Yusuf Mboneza defected from the FARDC in Beni on 16 June and instead of joining M23 actually remained with Kahasha and Lafontaine to strengthen the UPCP. The UPCP is also allied with the FDLR breakaway group Ralliement pour l'unité et la démocratie-URUNANA (RUD) led by "General" Jean-Damascène Ndibabaje, alias "Musare".

[24] Both officers subsequently joined the M23 rebellion.

to detained former CONSUP members, several individuals attending such meetings claimed the movement had the full support of Rwanda.

45. CONSUP's initial objective was to spark unrest by agitating members of the political opposition through urban strikes and protests until staged provocations of the security forces would lead to the killings of protestors, thus sparking an armed rebellion against President Kabila. According to several CONSUP members detained before it could take action, following the uprising in Bukavu, "reinforcements from the RDF were to come from Cyangugu/Rusizi in Rwanda on the pretext of coming to assist the Rwandophone population or Rwandan citizens supposedly the victims of persecutions or targeted by the manifestation" (see image 14). CONSUP leader René Kahukula is currently in hiding in Rwanda according to Congolese intelligence and FARDC commanders.

Image 14

Extract from FARDC internal report based on official records of interviews with over a dozen detained CONSUP members

" Par la suite, un renfort des Mil RDF devaient provenir de CYANGUGU/RUSIZI au Rwanda prétextant venir assister la population Rwandophone ou sujets Rwandais soi-disant persécutés ou visés par cette manifestation "
(see para. 45)

G. Former FARDC Col. Bernard Byamungu

46. From the earliest stages of the mutiny in South Kivu, Rwandan Minister of Defence, Gen. James Kabarebe, provided Col. Bernard Byamungu with direct operational orders, according to former mutineers and senior FARDC officers. Three former bodyguards of Byamungu told the Group that Kabarebe was in consistent communications with Byamungu as he awaited the arrival of other mutineers from Fizi territory during the first days of April (see S/2012/348, paras. 73-77). Another former mutineer personally overheard one of these conversations, which took place at 2200 hours on 3 April 2012, during which Kabarebe called Byamungu to ask about the current status of preparations for the mutiny and the ambush set up for South Kivu Amani Leo Operations Commander, Col. Delphin Kahimbi. The same source indicated that members of the RDF intelligence branch followed up this call on the same number to order Byamungu to conduct his operation to seize the town of Uvira the following day. When Byamungu began to run low on supplies, another ex-mutineer who deserted with Byamungu stated that Kabarebe told Byamungu that he would seek supplies of ammunitions from other armed groups in the vicinity.[25] Furthermore, when it became apparent that Byamungu's mutiny in South Kivu would not succeed in reaching the provincial capital of Bukavu, according to senior FARDC officers, Kabarebe made several pleas by phone to senior FARDC officers to ensure Byamungu's security and swift return to his command position in Uvira.

[25] Byamungu was already in communication with the Burundian rebel groups of the FNL and the Burundian National Front (FRONABU) to help facilitate his flight, according to several FNL officers in Uvira territory.

H. Former FARDC Colonel Innocent Kaina

47. Senior FARDC officers told the Group that upon his desertion in Rutshuru territory in early April 2012, Col. Innocent Kaina had sought to take control of the border town of Bunagana and proceed to establish a base at Runyoni. However, upon taking Bunagana on 8 April 2012, Kaina and his 80 troops were dislodged on the same day. Ex-CNDP and FARDC officers, local politicians, as well as a surrendered mutineer told the Group that Kaina subsequently crossed the border into Rwanda to escape pursuit from the FARDC. The same sources also confirmed that after spending 10 days in Rwanda, Kaina returned to join the mutineers in Masisi (see S/2012/348, para. 82).

IV. Rwandan support to sanctioned individuals

A. General Bosco Ntaganda

48. Despite M23's apparent aim to avoid association with Ntaganda, he has established a military position at Runyoni and is still considered as the highest CNDP/M23 commander (see S/2012/348, para. 105). As such, all support to the rebel group also constitutes direct support to a sanctioned individual.

49. Moreover, the Group found that the sanction regime's travel ban and assets freeze measures placed on Ntaganda have not been respected by the Rwandan Government. Intelligence officers, politicians, two close collaborators of the Rwandan Government, an ex-CNDP officer from Ntaganda's entourage, as well as a former M23 combatant from Ntaganda's position at Runyoni, all informed the Group that in the course of the month of May, Ntaganda crossed the border from Runyoni into Rwanda several times, and participated in meetings with high RDF and government officials in Kigali and Ruhengeri.

50. Furthermore, politicians, ex-CNDP officers, and intelligence officers informed the Group that Ntaganda owns a house in Gisenyi where he evacuated his family. He also partially owns Hotel Bishokoro at Kinigi, officially a property of his brother, used in the recruitment activities carried out by RDF soldiers for M23. Both Ntaganda's house and hotel are still under construction (see image 15). His possessions and investments continue to be managed by Cubi Wasabahizi, Ntaganda's relative who operates from Gisenyi.

Image 15
Ntaganda's residence in Gisenyi, Rwanda

B. Colonel Innocent Zimurinda

51. The Group found evidence that Col. Innocent Zimurinda, currently operating with M23, travelled to Rwanda for meetings with the Rwandan Government. Intelligence sources, an ex-CNDP officer and two RDF officers confirmed that on 9 April, Zimurinda came to Gisenyi to participate, alongside Minister of Defence Kabarebe, and other Rwandan and officials of the Democratic Republic of the Congo, in a meeting to address the crisis at the outset of the ex-CNDP mutiny.

C. "General" Sheka Ntabo Ntaberi

52. Ex-CNDP officers, intelligence sources, and ex-combatants informed the Group that Ntaberihas travelled at least once to Rwanda since carrying out the operation to kill FDLR "Lieutenant Colonel" Kanzeguhera. Ntaberi was designated by the Sanctions Committee on 28 November 2011.

IV. Rwandan Government response

53. In response to recent NGO and media reports alleging Rwandan support to M23, the Rwandan Government has categorically denied them. On 28 May, the Rwandan Ministry of Foreign Affairs responded by calling such statements "false and dangerous" (see annex 7). In meetings wit' the Group, Rwandan Government representatives have confirmed this official position.

54. However, RDF officers have told the Group that M23 recruitment may be taking place within Rwanda but attributed it to Congolese nationals acting independently. Furthermore, the same sources stated that among the surrendered combatants of Rwandan nationality, 11 provided false testimonies about RDF involvement in their recruitment because they were tortured by the FARDC. On 22 June 2012, the Rwandan newspaper, *The New Times*, subsequently published a story with similar claims (see annex 8).

55. The Rwandan Government participated in the Joint Verification Commission (JVC) established by the Governments of the Democratic Republic of the Congo and Rwanda to interview 11 Rwandan nationals who had surrendered to United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) on 20 May 2012. At the conclusion of the interviews on 9 June, the Rwandans submitted their findings, which attested that they found no evidence in the testimonies to implicate the RDF in any support to M23 (see annex 9). Furthermore, citing a need to return to Kigali for consultations, the Rwandan delegation failed to sign the confirmation of the JVC's collective findings. On 10 June, the Democratic Republic of the Congo delegation proceeded to sign a "Procès verbale de carence" along with a representative of MONUSCO as an observer in the process (see annex 10). Nevertheless, prior to his return to Kigali, the head of the Rwandan delegation, RDF Maj. Sam Ruhunga, signed the official records of interviews for 9 of the 11 Rwandan nationals jointly interviewed by both government delegations (see image 16).

Image 16

One of nine records of official statements signed by RDF Major Sam Ruhunga confirming the testimony of ex-M23 combatants recruited in Rwanda as part of the JVC

56. In a briefing to the African Union Peace and Security Council on 21 June, the Ambassador, Joseph Nsengimana, stated that the "Government of Rwanda bares no responsibility, whatsoever, in the ensuing set of regrettable events and misguided initiatives that ruined prior constructive efforts and escalated the crisis towards full-blown military confrontation". Furthermore, Nsengimana added that "Rwanda has been receiving detailed information on collusion between and support from FARDC units to FDLR forces" (see annex 11). The M23 rebels made similar accusations in a press communiqué [26] on 22 May 2012 in which they stated that they "detain irrefutable proof that FARDC positions have been held by FDLR troops", while denying accusations by the Government of the Democratic Republic of the Congo that they have themselves allied with FDLR (see S/2012/348, para. 105 and annex 12). The Group will continue to investigate such allegations, but has not yet obtained or been presented with any substantiated evidence in this regard.

57. The Government of the Democratic Republic of the Congo has presented the Rwandan authorities with information regarding RDF support to M23 on several occasions. At the Rwandan Ministry of Foreign Affairs, on 27 May 2012, during a bilateral meeting between the two countries, Democratic Republic of the Congo authorities shared detailed accounts of the facilitation provided to Makenga, his troops, and his weapons by the RDF. Furthermore, on 19 June, the Democratic Republic of the Congo authorities presented the Rwandan Minister for Foreign Affairs, during her visit to Kinshasa, with a comprehensive report documenting Rwandan support for M23. To date, the Group has not received any official response or explanation from the Rwandan Government regarding the information provided to it by the Congolese Government.

58. The Group has made extensive efforts to engage with the Rwandan Government regarding its findings, with some limited success. All six members of the Group participated in an official visit to Kigali from 12 to 14 May 2012, though the Rwandan Government did not receive them for any substantive meetings to discuss these issues. However, during a meeting to discuss the Group's current findings in New York on 25 June 2012, the Rwandan Minister for Foreign Affairs invited the Group to Kigali for a second official visit in order to conduct an exhaustive point-by-point review of the information contained in the present addendum. The Group is eager to accept such an invitation and is committed to clarifying and/or correcting any information in this addendum as well as annexing any formal written response from the Rwandan Government in its final report to be submitted to the Committee in October 2012.

[26] CNDP/M23 Press Communiqué 012/M23/CNDP/2012.

Annex 1

FARDC military intelligence report outlining Makenga's departure for Runyoni and that of his troops and weapons from Bukavu via Rwandan territory

Soutien du Rwanda au M23.

- Du 01 er à 16 Jan 12, différentes réunions clandestines présidées tantôt par le LtCol VIANNEY KAZARAMA, tantôt par Sieur René KAHUKULA étaient tenues à BUKAVU sur Av KALEHE N°1, à l'Athénée d'IBANDA, au siège des FRF sur Av NTANGANYIKA N°11 à et à la résidence du Col MAKENGA sur Av du Lac Q/NGUBA. Ces rencontres avaient connu la participation du Prof MBONEKUBE, candidat malheureux aux récentes élections législatives dans le Territoire de WALUNGU ainsi que le Pasteur Zebede BITA transfuge Mai Mai/SHIKITO.

  - Leur plan consistait à favoriser les agitations des membres de l'opposition ayant échoué aux élections de Nov 11 par des marches violentes de protestation, car une dizaine d'hommes armés habillés en tenue civile devraient être infiltrés parmi les manifestants pour provoquer les échauffourées entre la PNC qui interviendraient de sorte qu'après débordement de la situation sécuritaire, les Mil Ex-CNDP escortes du Col MAKENGA et du Gen BOSCO NTAGANDA acquis à ce plan se joindraient aux manifestants et donneraient une brèche au déclenchement de la lutte armée ;

  - Par la suite, un renfort des Mil RDF devaient provenir de CYANGUGU/RUSIZI au Rwanda prétextant venir assister la population Rwandophone ou sujets Rwandais soi-disant persécutés ou visés par cette manifestation ;

  - Le même plan prévoyait la neutralisation des Aut Pol et Mil de la Province, notamment le ProGouv du Sud-Kivu, le Comd 10Rgn Mil, Commissaire Provincial de la PNC Sud-Kivu et le Comd Ops Sud-Kivu. Malheureusement, l'exécution de leur plan machiavélique qui devait avoir lieu en date du 18 Jan 12 avait été déjoué par nos services Deux jours avant, en procédant à l'arrestation des Dix huit (18) suspects Civ, Policiers et Mil dont Deux escortes du Gen BOSCO NTAGANDA en la personne des Cpl TUMAINI Honoré et Sdt2Cl BAGABO MIVITEGEKA Bosco, tous transférés à KINSHASA ;

  - Deux figures de proue dont le Prof MBONEKUBE Michel, Président d'une Milice dénommée M40 jadis créée par le Rwanda du temps de la rébellion du RCD qui s'était refugié au BURUNDI, et de Sieur René KAHUKULA MASUMBUKO ayant échappé à BUKAVU en date du 16 Jan 12 puis exfiltré vers KAMEMBE au Rwanda, étaient préparés pour diriger l'ancien KIVU longtemps convoité pour la balkanisation.

- En date du 03 Mai 12, lors de la défection des escortes du Colonel MAKENGA dont la résidence se trouvait à 200m de la frontière entre la RDC et le Rwanda dénommée RUZIZI I, Deux pirogues motorisées de la marine Rwandaise avaient accosté sur la côte de la dite résidence du Col MAKENGA, où une importante quantité de Mun, armes et environ Soixante Mil furent embarqués vers 2030Hr et amenés jusqu'à un PC de la marine de KAMEMBE au Rwanda.

- Pour se dissimuler sur le sol Rwandais et atteindre le Ter RUTSHURU/Nord-Kivu, ces Mil FARDC s'étaient habillés en tenue militaire RDF avant de s'embarquer à bord de Trois Veh Mil RDF et avaient pris l'itinéraire KAMEMBE – KIKONGORO – BUTARE – NGORORERO – KAMIRA – GISENYI. Après une escale à MUTARA et GASINZI, ces Mil en défection étaient installés à une Pos RDF de KABUHANGA en face de KIBUMBA au Nord-Kivu, où ils furent accueillis par le Maj BAKUBIRIGWA et le Capt GASANA de la Div RDF/RUBAVU ;

- Là, les Mat Mil déchargés étaient déposés à la Pos RDF de KABUHANGA en face de KIBUMBA au Nord-Kivu ; ensuite à l'aube du 04 Mai 12, à l'arrivée du Gen Rwandais RUVUSHA, celui-ci ordonna aux mutins de reprendre leurs tenues FARDC et une heure plus tard, ce fut l'arrivée du Col MAKENGA en provenance de GOMA/RDC via RUBAVU. Du coup, le Général RUVUSHA avait fait un bref entretien avec les mutins, pour leur rassurer la promesse ferme de sa hiérarchie de ravitailler le Mouvement en armement et munitions et la prise en charge médicale des blessés de guerre ;

- La nuit du 07/08 Mai 12 fut l'arrivée du Gen BOSCO NTAGANDA à KANYAJA. Pour se garder de rester à la base arrière, le Col MAKENGA progressera vers la frontière de la RDC pour occuper une portion de terre, à savoir CHANZO, RUNYONYI, MBUZI, BUGUSA et KAVUMU. Pendant ce temps, ces Civ recrutés à RUHENGERI arrivaient progressivement à CHANZO/RDC via KINIGI/Rwanda, parmi eux, plusieurs Ex Combattants FDLR rapatriés par les FARDC via la section DDRRR/MONUSCO.

➢ En Avr 12, le Prof MBONEKUBE Michel et le Pasteur ZEBEDE BITA en cavale à BUJUMBURA étaient rejoints par Sieur René KAHUKULA avant de recevoir vers fin Mai 12 une Del envoyée par KIGALI composée de :

- Mr Xavier CHIRIBANYA condamné dans le Dos Assassinant de MZee Laurent Désiré KABILA, fondateur de l'Ex Milice M40 sous l'impulsion du Rwanda, ancien Gouverneur du Sud-Kivu, lors de la rébellion RDC/GOMA, et exilé à GISENYI/RUBAVU au Rwanda depuis 2003 jusqu'à ce jour.

- Mr BWISHE, cadre du CNDP coopté comme conseiller du Ministre Provincial de l'intérieur du Sud-Kivu et un certain PASCAL, non autrement identifié, ancien escorte du feu MASASU NINDAGA.

Ces derniers, réunis à l'Hôtel NGEZI à BUJUMBURA en date du 24 au 25 Mai 12, avaient signifié au Prof MBONEKUBE que le Rwanda avait déjà préparé Dix Mille Hommes recrutés parmi les Civ démobilisés et Ex-Combattants FDLR pour renforcer le M23. L'évêque catholique de RUHENGERI chapoterait les réunions de la communauté TUTSI pour continuer à sensibiliser d'autres Mil EX-CNDP à rejoindre le M23. Cette Del avait demandé au Prof MBONEKUBE à se rendre à KIGALI pour une reunion d'harmonisation avec les Aut Rwandaises.

➢ En outre, une importante quantité d'armes et Mun non dotée par les FARDC ont été retrouvés dans une cache d'armes abandonnées à KAVUMU/NYAMUNYUNYI par le

Col MAKENGA lors de sa défection. Cet excédent de Vingt tonnes d'armes et Mun suppose l'existence d'une ligne de ravitaillement du M23/CNDP par son allié le Rwanda. Il en est de même de Huit tonnes et demi d'armes et des Mun saisies entre les mains du Col BIYOYO à NYABIBWE/KALEHE en date du 21 Avr 12 actuellement aux arrêts et condamné par la JM.

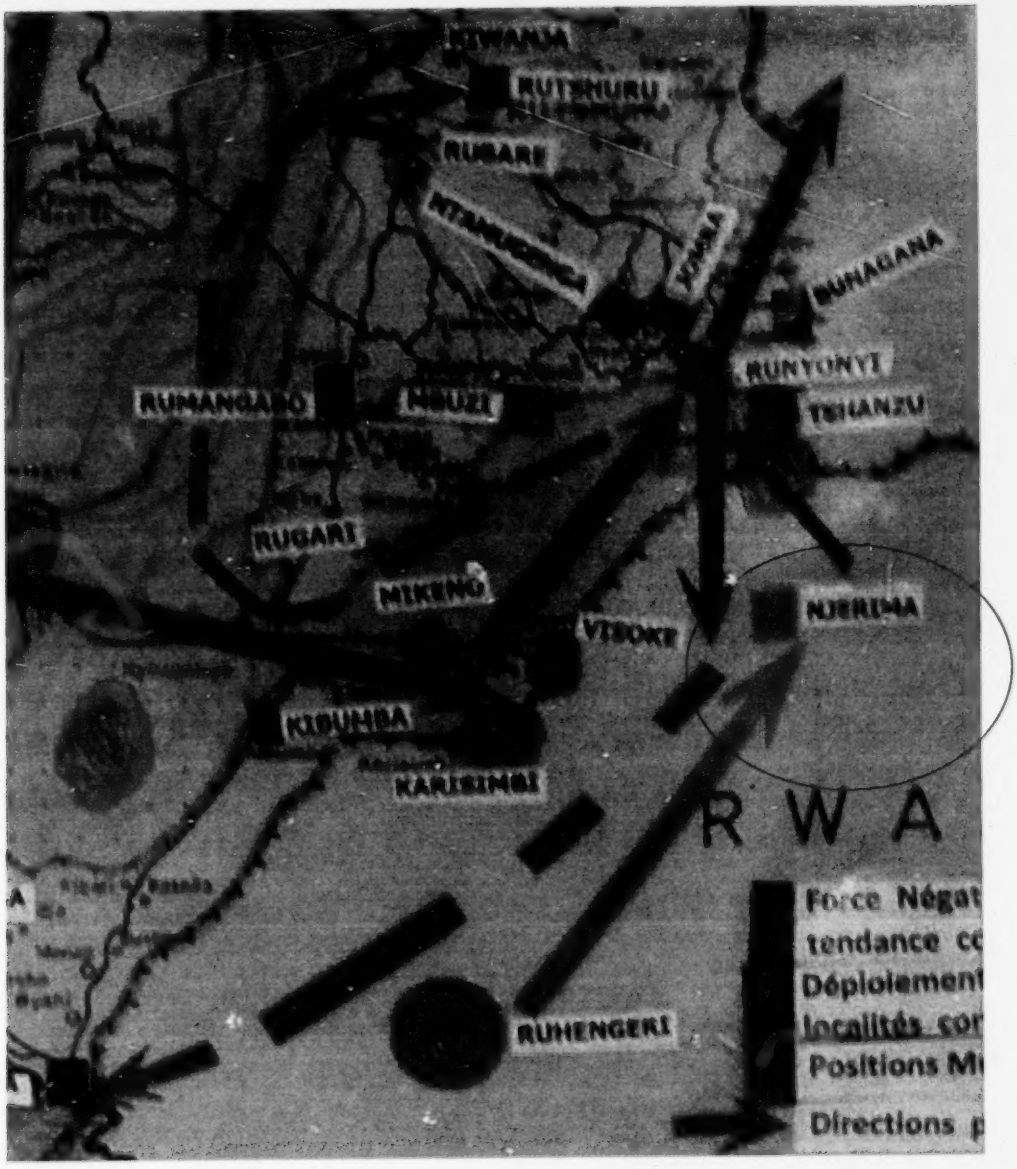
- Par ailleurs, à partir du Rwanda où il se trouve, Mr Xavier CHIRIBANYA entretien des Ctc téléphoniques avec les Gp armés de la plaine de RUZIZI en 7er UVIRA, particulièrement le Gp Maj BEDI RUSAGARA déjà ravitaillé avec un lot de vingt Motorola, un Gp électrogène et sollicité d'attaquer la Loc KAMANYOLA pour donner un alibi aux Tp RDF d'intervenir avec un prétexte de pourchasser les FDLR et faire traverser par cette occasion la marionnette Xavier CHIRIBANYA vers la RDC et déclencher la lutte armée à l'instar du M23 au Nord-Kivu ;

  - D'ailleurs, depuis Lundi 11 Jun 12, les RDF ont renforcé leurs Eff à partir de RUSIZI/KAMEMBE jusqu'à BUGARAMA en face de KAMANYOLA/RDC ;

  - Le tir de ficelle par le Rwanda risque de compromettre la libre circulation de Deux peuples entre les provinces frontalières de Deux pays, car les suspicions entre les Deux peuples pourront entraver les échanges commerciaux et la cohabitation pacifique pourtant encours de consolidation.

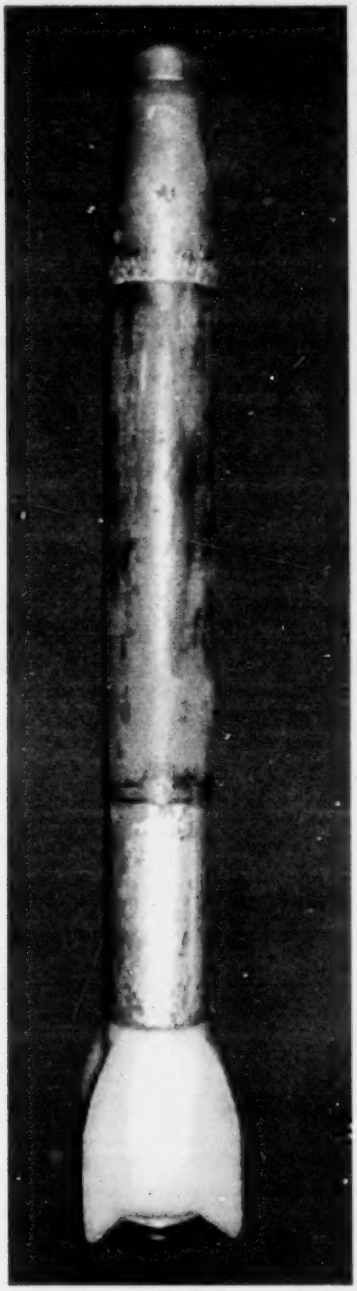
Annex 2

FARDC operational map of the RDF military deployment at Njerima and troop movements to and from Runyoni



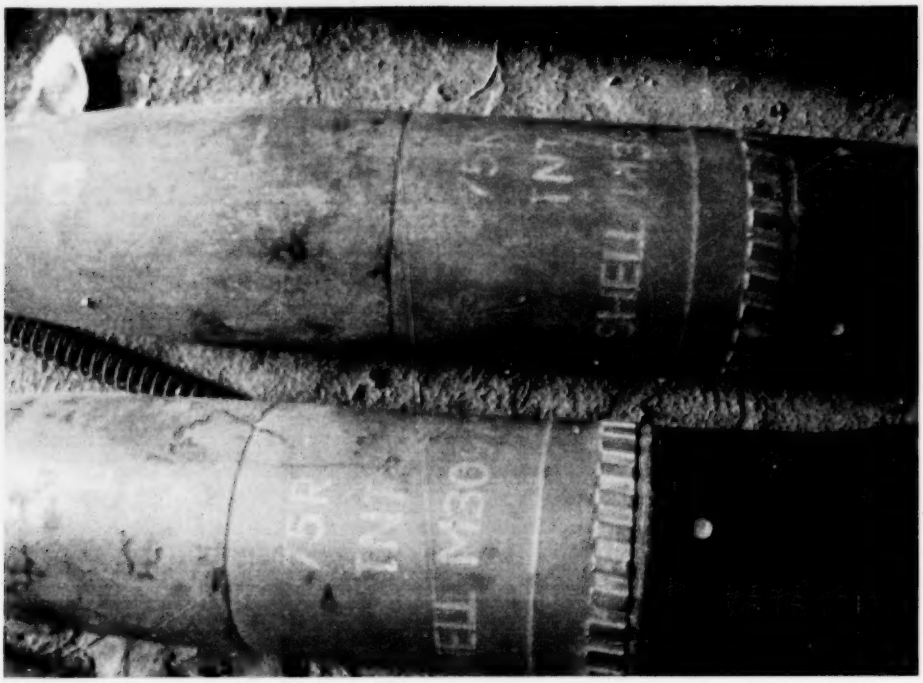
Annex 3

Anti-tank round recovered near Runyoni from M23, which has never been supplied by the FARDC to its units



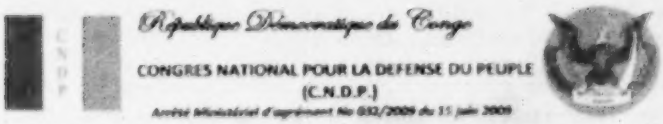
Annex 4

75 mm canon rounds from Makenga's arms cache in Nyamunyoni which have never been supplied by the FARDC to its units



Annex 5

Communiqué announcing the withdrawal of the CNDP from the Presidential Majority, following a decision taken during a meeting led by Rwandan Government officials in Ruhengeri, Rwanda



COMMUNIQUE DE PRESSE DU CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE DU 02/06/2012

La Direction Politique du Congrès National pour la Défense du Peuple, CNDP en sigle, porte à la connaissance de l'opinion nationale et internationale, qu'après avoir réfléchi à la situation sécuritaire qui prévaut à l'EST de la République Démocratique du Congo et après avoir analysé scrupuleusement le calendrier de mise en œuvre des accords de paix du 23 Mars 2009 ainsi que les différents procès-verbaux et compte-rendu des réunions du comité national de suivi des accords de paix ; a décidé, en séance extraordinaire des organes du parti : le Bureau Politique et le Collège Exécutif réunis à son siège national à Goma en date du 02/06/2012 ce qui suit :

Attendu que dès le début du processus de paix, le CNDP a toujours fait montre de son indéfectible attachement à la paix, en exécutant intégralement tous les engagements auxquels il avait souscrit dans lesdits accords et pour prouver sa bonne foi, il est allé jusqu'à adhérer dans la famille politique du chef de l'Etat, dénommée la Majorité Présidentielle MP en sigle ;

Attendu que le gouvernement congolais a privilégié la voie des affrontements armés à la place d'une solution pacifique au conflit qui sévit à l'EST de la RDC malgré la main tendue du CNDP et tous ses communiqués récents lancés dans les médias ;

Attendu que la mise en œuvre totale de ces accords par toutes les parties, a été pressentie par tous comme porteuse d'espoir et seul moyen pour apporter une paix durable et irréversible dans notre pays la RDC ;

Qu'en lieu et place d'honorer ses engagements pris avec le CNDP, en présence de la facilitation internationale, la partie gouvernementale a préféré jeter les accords du 23 mars dans les oubliettes nationales tout en organisant une politique d'exclusion, de xénophobie et de népotisme à l'EST du territoire national ;

Vu les propos belliciste, irresponsables et comminatoires du porte-parole du gouvernement, Mr Lambert MENDE OMALANGA, faisant à l'endroit du CNDP des imputations dommageables et mensongères et demandant par conséquent au secrétaire exécutif de la MP, de tirer toutes les conséquences qui s'imposent et au Ministre de la justice de prendre ses responsabilités, insinuant ainsi des arrestations de cadres du CNDP ;

1

Vu les exactions (viols, meurtres, assassinats) perpétrés par les FARDC en collaboration avec les FDLR et certains extrémistes du NORD-KIVU sur les refugiés que le gouvernement a obligés de rentrer dans leur milieu respectif, sans avoir réuni, au préalable, toutes les conditions de sécurité telle que le prévoit les accords de paix du 23 mars ;

Vu l'étroite collaboration des FARDC et les FDLR et l'occupation consécutive de ces derniers, des positions sciemment abandonnée par les FARDC pour permettre à cette force négative de continuer son œuvre macabre de pillages, massacres et meurtres des populations civiles sans défense ;

Considérant que cette avancée fulgurante des FDLR dans les provinces du NORD-KIVU et du SUD-KIVU constitue une sérieuse menace contre les populations locales ;

Vu l'urgence et la nécessité ;

Décidons qu'à dater d'aujourd'hui le 02/juin/2012 le CNDP parti politique se retire officiellement de la Majorité Présidentielle, MP en sigle ;

Le CNDP reste néanmoins ouvert au dialogue et promet de prendre part à toute négociation éventuelle relative à la mise en œuvre des accords de paix du 23 mars 2009 ;

Le CNDP informera l'opinion dans les jours qui viennent de la plate forme à laquelle il va adhérer.

Fait à GOMA le 02 juin 2012

Pour le CONGRES NATIONAL POUR la DEFENSE du PEUPLE

- Le Vice Président National du CNDP

Mr NZABIRINDA NTAMBARA Déogratias

- Le Secrétaire Général du CNDP

Mr TUYIHIMBAZE François

- Le Porte Parole du CNDP

Me MAHAMBA KASIWA Antoine

02/06/12

Annex 6

Internal FARDC report on interview with ex-combatant from NDC who confirmed links between Rwandan officials and the rebel group

OBJET : Exploitation PV du rendu NDC Capt [redacted]

I. INTRODUCTION

Le 01 AVR 12, le Capt [redacted] se rend à la MONUSCO à RWAMPUR/ en Ter WALIKALE. Capt AKILIMALI AIME est un Off FARDC Matr 179904251648, Unité : 101Regt, Fonction : Comd 2ème 102°2Cie qui avait été capturé par SHEKA dans l'ex ISHUNGA en Ter WALIKALE en date du 13 MAR 12 pendant son séjour en famille.

II. EXTRAIRE DE SON AUDITION

Eff NDC actuellement

Eff Adm : 120 Hommes
Eff Ops : 68 Hommes

Localisation EM NDC

EM est très mobile mais présentement à BITUVE

Ravitaillement

NDC est ravitaillé en Armes et Mun par le Gen BOSCO NTAGANDA avec qui il est en contact permanent. Une semaine avant sa reddition, le NDC a reçu du Gen BOSCO NTAGANDA :

- Cassette Mun 7.62 Court : 60
- Cassette Mun 7.62 Long : 20

Le Rav était accompagné de 04 Mil de morphologie Rwandaise dont Capt INTASE (Tireur MAG), Capt TEGEREYA (Tireur PKM), Capt KARERA (Tireur RPG7) et Capt BYAMUNGU (Opérateur radio).

Moyens de communication

TURAYA et MOTOROLA

Moyens en personnel Rwa

04 Ofs sont à GOMA pour nous fournir les Info. Pour les autres Cfc dans SHEKA, le Capt AKILIMALI AIME indique qu'il y a une personnalité Rwandaise qui lui a parlé au TURAYA en disant : « Courage, je ferais de vous un Homme, la RDC ne fera rien pour toi ». Dans la suite Info.

le Capt [redacted] indique qu'avant sa reddition, le Gen BOSCO NTAGANDA avait demandé à SHEKA de consolider BRAZZA pour qu'après deux semaines, il lui envoie le Rav et le Pit en homme.

Annex 7

Official statement by the Rwandan Ministry of Foreign Affairs on 28 May 2012

Rwanda Rejects False and Dangerous Claims

Kigali, 28 May 2012 Rwanda's Foreign Minister has labelled rumours circulating about Rwanda's involvement in the eastern DRC as "categorically false and dangerous". Louise Mushikiwabo was responding to reports on BBC of a UN report alleging that solders had been recruited and trained in Rwanda and then transferred to the eastern DRC to take part in conflict between government and rebel forces.

"Rwanda has maintained from the outset that the current instability in the eastern DRC is a matter for the Congolese government and military. Rwanda's national interest is served by containing conflict and building deeper bonds of peace with our neighbours. The international community continues to neglect real issues of stability by limiting itself to symptoms instead of the root cause of suffering in our region."

Minister Mushikiwabo also urged the UN force in the DRC (MONUSCO) to return to its original mandate instead of spreading rumours and generating reports.

"This billion-dollar-a-year operation makes up one quarter of the UN's entire peacekeeping budget, and yet it has been a failure from day one. Instead of pursuing its mandate to eradicate the FDLR menace and help stabilise the region, MONUSCO has become a destabilising influence, primarily concerned with keeping hold of its bloated budgets and justifying its ongoing existence. Rwanda has received several refugees who are severely wounded and traumatised as a result of the UN's failure to protect civilians in eastern DRC."

Rwanda has maintained peaceful and constructive relations with the government of the DRC since 2009, since which time both countries have enjoyed a significant "peace dividend", according to Minister Mushikiwabo.

"Peace in the region enables us to attract investment, slash the poverty rate, and extend the horizons of opportunity for our citizens. That's why claims that Rwanda would undermine good relations with our neighbours are not only wrong, but wrong-headed - it would be in clear violation of our own national interest. We will continue to work closely with the DRC government to bring back peace and security that the people of our region have been denied for far too long."

Since the outbreak of fighting, the Government of Rwanda's primary focus has been providing safe refuge for the 9,239 Congolese citizens who have entered its borders in recent weeks. Through collaboration with UNHCR, the World Food Programme and the WHO, the refugee situation remains "challenging but manageable," according to Minister Mushikiwabo.

Annex 8

The New Times article describing torture of Rwandan nationals in the Democratic Republic of the Congo

Rwandans in DRC held hostage, tortured

By Sam Ntirenganya June 22, 2012 Share 15 Tweet 12

On Wednesday, 11 Rwandan nationals were handed over to local Immigration authorities in Rubavu district after being tortured by armed forces in the Democratic Republic of Congo (DRC).

They bore grave bruises as a result of severe physical torture and said they were arrested and denied food for several days.

One of the victims, Faustin Twagiramungu, 21, told the press on Wednesday that he was arrested in Goma one month ago after being accused of defecting from the Rwandan army.

"I had gone shopping when I was rounded up. I found others already in custody over the same accusations," he said.

Twagiramungu added that he was tortured and denied food as his captors demanded for "intelligence information" about the Rwandan government.

Alphonse Munyurangabo, an official from Rwanda's Immigration department said that the victims were held hostage for varying periods. "The Congolese claim the victims did not have identification documents yet our records show that they were registered as Rwandans and had identification," Munyurangabo said.

He added that usually, Rwandans found in Goma with no identification documents were handed over to immigration officials, but with no traces of harassment or torture.

"There is clear indication that they have been tortured for a number of days," Munyurangabo noted adding that most of the victims are Rwandan nationals living in Goma or business people work visits.

The Immigration Department has requested for explanations from their Congolese counterparts.

Munyurangabo said that the most immediate concern is providing health care to the victims.

http://www.newtimes.co.rw/news/index.php?i=15031&a=55081

Annex 9

Rwandan findings within JVC on their interviews with the 11 Rwandan nationals who surrendered to MONUSCO on 20 May 2012

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RWANDA FINDINGS

5. From the joint interviews of 11 self-declared defectors from M23 forces, the following significant elements emerged:

a. From the moment the subjects reported to MONUSCO premises on 20 May 2012, no fact-finding mission was deployed to verify the genuineness and accuracy of their testimonies. No Rwandan official was contacted to assist in such verifications. Therefore, it was objectively impossible to establish:

(1) That the subjects were Rwandan citizens residing in Rwanda.

(2) That the subjects were conscripted from Mudende, Rubavu, Western Province. (This was not verified in their alleged communities of origin)

(3) That their alleged itinerary on Rwandan territory from Mudende to Runyoni was accurate, considering that they, self-admittedly, never used the same route before.

(4) That their alleged recruiters could be identified as Rwandan citizens with possible links with the RDF or the Rwandan government.

(5) That their alleged itinerary from M23-controlled area to MONUSCO position in Rugari and the time-frame involved, were technically conceivable.

b. Not a single element in the subject's testimonies supports the claim of any direct involvement of Rwandan Government officials:

6
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(1) The subjects claimed that they were recruited by two civilians (in plain clothes), transported in civilian vehicles. No government official, vehicle or facilities are referred to at any point.

(2) They did not encounter any uniformed personnel until they met armed individuals wearing FARDC uniforms in the Virunga National Park. No RDF uniform is mentioned at any point.

(3) The subjects received boxes of ammunition, petrol and tents from these FARDC-uniformed individuals in the forest.

c. Several elements in the subjects' testimonies are self-defeating, contradictory or highly dubious. These include the following:

(1) That they were conscripted between February and April 2012. Yet it is a fact that M23 did not have any presence in the Runyoni area until second week of May 2012. Runyoni was still under full control of FARDC.

(2) That all subjects, despite having been recruited on different dates and by different individuals claim to have used the exact same route, namely Mudende – Bigogwe Market – Ruhengeri - Hotel Bisholoro- Virunga National Park – Runyoni.

(3) That they were conscripted by two unarmed civilians who somehow managed to shepherd and control 23

recruits from their home area all the way to Virunga National Park without any means of coercion.

Annex 10

Signatories to the JVC's report on collective findings

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RWANDAN DELEGATION

Colonel Fred MUZIRAGUHARARA

DRC DELEGATION

KIBELISA NGAMBASUI Roger

12/06/12

12.6.12

MONUSCO OBSERVATOR

IAN ROWE

11
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Annex 11

Briefing by Rwandan Ambassador Joseph Nsengimana before the AU Peace and Security Council on 21 June 2012

REPUBLIC OF RWANDA

EMBASSY OF THE REPUBLIC OF RWANDA TO ADDIS ABABA AND PERMANENT REPRESENTATION TO THE AFRICAN UNION

STATEMENT TO THE 21st JUNE AU PSC BRIEFING ON THE DRC

By

HE Prof Joseph NSENGIMANA

Ambassador & Permanent Representative to the African Union

Check against delivery

Your Excellency, Chairperson of the Peace and Security Council,
Your Excellency, Commissioner for Peace and Security,
Excellencies Ambassadors and representatives of PSC Member States,
Ladies and gentlemen,

I am grateful for this opportunity you have given me to make a statement regarding the situation in the DRC.

From the onset, I want to state categorically that Rwanda is neither a cause nor an enabler of the ongoing crisis in the DRC. To the contrary, a pattern of undisputable facts indicate that Rwanda cannot be an obstacle but a strong partner for peace in the DRC.

Indeed, since 2009, Rwanda has deliberately sought to develop strong political, diplomatic and defense ties with the DRC government at the highest levels. The Government of Rwanda has been a key regional and international partner in seeking peaceful means to resolving the recurrent cycle of deadly violence in the DRC, with severe domestic and regional consequences. Rwanda together with the US government initiated and was a key member of the Tripartite Plus Mechanism, which brought together Rwanda, DRC, Burundi and Uganda, facilitated by the US.

The European Union (EU) through her Envoy to the Great Lakes Region, and the UN through several envoys and high ranking officials all got involved in the regional peace initiatives at various levels. The International Conference on the Great Lakes Region

(ICGLR), EAC partner States, CEPGL and AU also partnered with Rwanda in seeking a peaceful resolution of DRC crises at various levels.

Direct high-level engagements between Rwanda and the DRC diplomatic and defense officials have been at the forefront of Rwanda's efforts to find a peaceful resolution to the worrying situation in the DRC since the beginning of the current rebellion in DRC in April 2012. On 8 April 2012, a meeting was held in Rubavu, Western Rwanda and the DRC government requested Rwanda to chair a conciliatory meeting between the DRC government and a group of FARDC senior officers, former members of the CNDP armed wing. The former CNDP commanders led by Colonel Sultani Makenga – now the military leader of the M23 movement – acknowledged allegations of indiscipline against General Bosco Ntaganda but separated this matter from other grievances related to specific political, administrative and operational aspects of their integration within FARDC after the signing of the March 23rd 2009 political agreement.

During that meeting, a number of practical recommendations were made to avert an escalation of the crisis, leading many key ex-CNDP commanders to resist early calls to join the mutiny. The Government of Rwanda bares no responsibility, whatsoever, in the ensuing set of regrettable events and misguided initiatives that ruined prior constructive efforts and escalated the crisis towards full-blown military confrontation

Mr. Chairman,

Predictably, the current crisis has had tremendous strain on Rwanda. There has been a massive influx of refugees, insecurity at our Western border and with the abrupt increase in FDLR activities, to name but a few. These are matters of major concern for

the Government and people of Rwanda and I have no doubt they should concern this honorable Council as well.

It is crucial to note that, from the onset of the crisis, Rwanda has been receiving detailed information on alleged collusion between, and support from FARDC units to FDLR forces. Rwanda deliberately chose not to handle such alarming information in a way that could further aggravate the situation. Concerns were raised with our DRC counterparts – rather than with the media – further bilateral consultations were initiated leading to the establishment of a Joint Verification Mechanism to examine allegations and accusations on either side.

Mr. Chairman,
Dear colleagues,

The Government of Rwanda is deeply disappointed that the work of the Joint Verification Mechanism was repeatedly hijacked by media "leaks" and declarations to the media on matters falling within the verification mechanism's mandate, and about which a joint report was about to be produced. Whether such behavior was aimed at pre-empting a report that could disprove the hyped media accusations, thereby embarrassing some of the actors involved in this regrettable episode or motivated by some other unrevealed motives, Rwanda remains determined to handle this matter in the most responsible, constructive and forward-looking manner.

Rwanda will further discuss with the DRC government this and several other serious matters, and we intend to maintain full support to the Joint Verification Mechanism's wider mandate beyond the highly mediatized but poorly evidenced recent accusations

against Rwanda. Our government is determined not to let its long term investment in constructive bilateral relations with a stable DRC be jeopardized by the irresponsible actions of any actor, internal and/or external to this crisis. We intend to maintain the doors for dialogue as wide open as possible. We argue this Council, institutions or governments considered long term partners in the building of a stable and peaceful region, to show support for this approach with a view to de-escalate a situation that threatens to draw back the region into its troubled past.

I thank you all.

Annex 12

M23 Statement claiming information on collaboration between the FDLR and the FARDC

REPUBLIQUE DEMOCRATIQUE DU CONGO

CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE

Mouvement du 23 mars, M23

Communiqué de Presse N°012/M23/CNDP/2012

Eu égard à la gravité des allégations mensongères et calomnieuses faites à l'encontre des éléments du M23 par le Gouverneur du Nord-Kivu en date du 15 mai dernier, reprises par le Ministre National de la Communication le vendredi 18 du même mois, selon lesquelles le M23 aurait fait recours aux génocidaires rwandais dans les combats actuels, la Coordination de notre Mouvement tient à préciser ce qui suit :

1. Face au revers spectaculaire qu'enregistrent toutes les unités FARDC déployées jusqu'à ce jour pour déloger les éléments du M23 de leurs positions, le gouvernement congolais a choisi d'imprimer une nouvelle stratégie de communication dont le seul but est de garantir une couverture parfaite aux traditionnelles méthodes de guerre, connues de tous, utilisées par son armée ;

2. Cette nouvelle stratégie consiste à être le premier à imputer publiquement à l'adversaire le recours à des génocidaires rwandais, et faire ainsi diversion sur ceux qu'il recrute et utilise lui-même au titre de fer de lance des FARDC. Le M23 détient une documentation fournie à ce sujet comprenant des preuves irréfutables sur les positions FARDC tenues par les éléments FDLR, les unités FARDC commandées par les officiers FDLR et leur implication dans les combats en cours.

3. Cette stratégie de communication du Gouvernement congolais est loin de fonctionner car les relations affairistes qui le lient à ces génocidaires rwandais, en temps de paix comme en temps de guerre, et ce depuis des longues années sont de notoriété publique, de ce fait personne ne s'y tromperait.

4. Le M23 qui a fondé la majeure partie de son combat politique sur la sécurisation du peuple congolais contre ces génocidaires ne pourrait en aucun cas faire la paix avec eux et n'entend pas mettre un terme à sa lutte avant qu'ils ne répondent des actes perpétrés par eux contre la population civile congolaise, et le Gouvernement congolais le sait.

5. La Coordination du M23 invite, à l'occasion, les amis du peuple congolais à plus de discernement dans les propos tenus ces derniers jours par les officiels congolais, car ils ne reflètent aucunement la réalité sur les différentes lignes de front.

6. Le M23 se réserve le droit de rendre publics les éléments de preuve qui attestent la collusion permanente et solide entre les FARDC et les FDLR.

Fait à RUTSHURU, le 22 mai 2012

Le Porte-parole du Haut-Commandement Militaire

KAZARAMA Vianney

Lieutenant-Colonel

Contact : +243337710965